

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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**UNITED STATES OF AMERICA**

**vs.**

**GARY HITE**

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**NO. 16-cr-61**

**JUDGE DIAMOND**

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**ORDER**

**AND NOW**, this \_\_\_\_ day of \_\_\_\_\_, **2016**, the Court being advised that defense counsel needs additional time to effectively prepare the above-captioned matter for sentencing, and the Government having no objection to the defendant's motion, it is hereby **ORDERED** that the motion to continuance sentencing is **GRANTED** and sentencing this matter is hereby scheduled for the \_\_\_\_ day of \_\_\_\_\_, **2016**.

**BY THE COURT:**

\_\_\_\_\_  
**J.**

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**NO. 16-cr-61**

**JUDGE DIAMOND**

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**SECOND MOTION FOR A CONTINUANCE  
OF SENTENCING**

**AND NOW**, the defendant, Gary Hite, by and through his attorney, Michael J. Diamondstein, does file the within Second Motion for a Continuance of Sentencing and avers as follows:

1. Mr. Hite has retained the legal services of Michael J. Diamondstein, P.C., in connection with his defense in the above-captioned matter.
2. On or about February 24, 2016, Gary Hite was charged by information with distribution of child pornography (18 U.S.C. § 2252(a)(2)) and possession of child pornography (18 U.S.C. § 2252(a)(4)(B)).
3. On March 15, 2016, Mr. Hite appeared with counsel and pled guilty to counts 1 and 2 of the information.

4. Sentencing is currently scheduled for July 20<sup>th</sup>, 2016 at 9:30 a.m.
5. Counsel respectfully submits that additional time is necessary to properly prepare for sentencing in this matter.
6. Specifically, a legal issue has arisen that Mr. Hite must be fully advised of. Based upon the issue, Mr. Hite must make a decision on how he wishes to proceed.
7. Accordingly, a brief continuance is hereby requested.
8. Without the additional time requested, undersigned counsel will be unable to effectively represent Mr. Hite.
9. The Government (through Assistant United States Michelle Rotella, Esquire) has no objection to this request.
10. Mr. Hite has been advised of and respectfully waives his right to a speedy sentencing.
11. It is respectfully submitted that a continuance as requested would be in the interests of justice.

12. It is therefore respectfully requested that the within Motion for a Continuance be **GRANTED**.
13. We respectfully submit that a continuance of an additional thirty (30) to forty-five (45) days should be sufficient to complete the necessary preparations in this matter.

**Respectfully submitted,**

Dated: **July 12<sup>th</sup>, 2016**

*/s/ Michael J. Diamondstein*

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**MICHAEL J. DIAMONDSTEIN**

**Attorney for Gary Hite**

Suite 900

Two Penn Center

1500 John F. Kennedy Boulevard

Philadelphia, Pennsylvania 19102

(215) 940-2700

*mjd@michaeldiamondstein.com*

**CERTIFICATE OF SERVICE**

Michael J. Diamondstein, being duly sworn according to law, deposes and says that on the **12<sup>th</sup>** day of **July, 2016**, a copy of the within document was served upon the following individuals:

**Hon. Paul S. Diamond**  
U.S. Courthouse  
601 Market Street  
Philadelphia, PA 19106-1797  
**VIA EFILE**

**Michelle Rotella, Esquire**  
**Assistant United States Attorney**  
615 Chestnut Street  
Suite 1250  
Philadelphia, Pennsylvania 19106

**Clerk's Office**  
U.S. District Court, Eastern District of Pennsylvania  
2609 U.S. Courthouse  
601 Market Street  
Philadelphia, PA 19106-1797  
**VIA EFILE**

**Respectfully submitted,**

Dated: **July 12<sup>th</sup>, 2016**

*/s/ Michael J. Diamondstein*

**MICHAEL J. DIAMONDSTEIN**

**Attorney for Gary Hite**

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